

74-82 has been deleted by way of the present amendment. However, the discussion of prior art in the supplement has been inserted in the prior art section of the application.

In view of the above, it is respectfully requested that the objection to the disclosure be withdrawn.

In the Official Action, the Examiner both objects to the disclosure and rejects claim 3 under 35 U.S.C. § 112, first paragraph, because the specification does not teach the combination of moving both the optics and image device. Thus, the Examiner argues that such an embodiment is not enabled by the specification. In response, claim 3 has been amended to recite that the "imaging device driving means is a focusing adjustment means for moving one of said optical elements and said imaging device in optical-axis directions. Applicants respectfully submit that the disclosure teaches a focusing adjustment means that moves one of the optical elements and the imaging device in optical axis directions.

Accordingly, it is respectfully requested that the objection to the disclosure and rejection of claim 3 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In the Official Action, the Examiner rejects claim 4 under 35 U.S.C. § 112, second paragraph because (1) the phrase "an engagement length of a frame" is unclear and (2) there is insufficient antecedent basis for the phrase "the imaging surface." With regard to (1) and (2), claim 4 has been amended to recite "wherein [the] an imaging surface of said imaging device is located substantially in [the] a middle of an engagement length of a frame[,], which holds said imaging device, the engagement length being in the direction of [along] the optical axis.

Accordingly, it is respectfully requested that the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Lastly, in the Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,398,724 to May et al. (hereinafter "May"). The Examiner also rejects claims 2 and 5, under 35 U.S.C. § 103(a) as being unpatentable over May in view of U.S. Patent No. 5,577,991 to Akui et al. (hereinafter "Akui").

In response, Applicants respectfully submit that the May reference does not have an earlier filing date in the United States than the foreign priority date of the above-identified application. Thus, the foreign priority date of the present application (i.e., December 9, 1999) antedates the U.S. filing date of the May reference (i.e., March 16, 2000). Therefore, the May reference is not a proper reference to be applied against the claims in the present application.

In this regard, submitted herewith is a literal English translation of the certified copy of the Japanese priority document along with a declaration of the translator declaring that the translation is a true and faithful translation of Japanese Application No. H11-350581 filed in Japan on December 9, 1999.

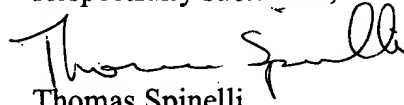
Accordingly, Applicants respectfully submit that both the 35 U.S.C. § 102(e) and § 103(a) rejections are improper and should be withdrawn.

Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made."**

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:cm

Encl. (Version with Markings to Show Changes Made,
Substitute Abstract of the Disclosure,
English Translation of Japanese Application No. H11-350581, and
Declaration by the Translator of Japanese Application No. H11-350581)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 3 and 4 have been amended as follows:

3. (Amended) An imaging unit for endoscopes according to claim 1, wherein said imaging device driving means is a focusing adjustment means for moving one of said optical elements and said imaging device in optical-axis directions.

4. (Amended) An imaging unit for endoscopes according to claim 3, wherein [the] an imaging surface of said imaging device is located substantially in [the] a middle of an engagement length of a frame[,] which holds said imaging device, the engagement length being in the direction of [along] the optical axis.

IN THE ABSTRACT:

Please replace the Abstract with the following rewritten Abstract, a copy of which is supplied on a separate sheet attached hereto for the convenience of the Examiner:

--An imaging unit for endoscopes including optical elements for forming an optical image; an imaging device for photoelectrically converting the optical image; a hermetic seal member having at least said optical element and the imaging device incorporated therein; and an imaging device driver making it possible to arbitrarily adjust the position of the imaging device relative to the optical element from outside the hermetic seal member.--